



# Marcus & Associates

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Patent & Trade Mark Agents

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Docket No. PORT012

16 May 1997

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Re: Serial No: 08/765,584  
International Filing Date: 05/26/95  
Applicant: Helmut Kubisiak  
Title: DETECTOR FOR A MEASURING DEVICE

Sir:

In answer to the Office Letter of May 2, 1997 (copy attached) and further to our letter of 17 December 1996, we now enclose the following documents:

- 1) A copy of claims 1-13 to overcome the objection that "the translation is defective in that the number of claims in the International Application and the number of claims in the translation are not the same";
- 2) A Declaration and Power of Attorney signed by the inventor;
- 3) A Verified Small Entity Statement;
- and 4) An Assignment Document.

The necessary processing fees of \$65.00 and \$40.00, a total of \$105.00 are also attached.

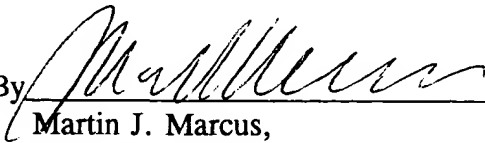
Adjustment date: 09/28/1999 WCLAYBRD  
09/18/1997 KKEMP1 00000002 08765584  
01 FC:205 -65.00 OP

09/28/1999 WCLAYBRD 00000002 08765584

01 FC:198 65.00 OP

Respectfully submitted,

Helmut Kubisiak

By   
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Reg. No. 18,823

06/05/1997 LWMILLAN 00000042 08765584  
02 FC:205  
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Adjustment date: 06/09/2000 PVOLPE  
09/28/1999 WCLAYBRD 00000002 08765584  
01 FC:198 -65.00 OP



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Box PCT  
Washington, D.C. 20231

#2

08/765584

US APPLICATION NO.

ATTACHMENT TO FORM PCT/DO/EO/

08/765584

KUBISTAK

H

PORT012

5611

PCT/EP95/01985

BARON & ASSOCIATED  
AND ASSOCIATED

NOTICE OF DEFECTIVE TRANSLATION

SUITE 309

227195 OTTAWA, ONTARIO, CANADA

05/26/95

06/20/94

The received translation is defective because:

05/02/97

- ☐ (1) The text in the drawings has not been properly translated;
- ☒ (2) The number of claims in the International Application and the number of claims in the translation are not the same;
- ☐ (3) The translation of the International Application is incomplete as a number of pages are missing;
- ☐ (4) Other.

*Eless D. Reed*  
Eless D. Reed  
Paralegal Specialist  
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UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

08/765584

Rec'd PCT/PTO 16 MAY 1997

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/765,584	KUBISIAK	H PORT012

INTERNATIONAL APPLICATION NO.
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5611

PCT/EP95/01985

MARCUS & ASSOCIATED  
225 METCALFE STREET  
SUITE 309  
K2P1P9 OTTAWA, ONTARIO, CANADA  
CANADA

I.A. FILING DATE	PRIORITY DATE
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05/26/95

06/20/94

05/02/97

NOTIFICATION OF MISSING REQUIREMENTS UNDER 37 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

☐ a Designated Office (37 CFR 1.494),

☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☒ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☒ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_.

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☒ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917

☒ Notice of Defective Translation

☐ PTO-875

Eless D. Reed  
Patent Specialist

FORM PCT/DO/EO/905 (September 1996)

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